

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

**FILE:** B-210350

**DATE:** January 12, 1983

**MATTER OF:** Gundy's Transfer & Storage

**DIGEST:**

The Small Business Administration, not GAO, has conclusive statutory authority to determine the responsibility of a small business that is found nonresponsible by the contracting agency and also to consider questions concerning a bidder's small business size status.

Gundy's Transfer & Storage (Gundy) protests award to American Moving Services, Inc., the second low bidder under Invitation for Bids (IFB) DABT01-82-B-0270 issued by the Department of the Army. Gundy alleges that the Government did not "apply the same criteria of responsibility" to American Moving as it did to Gundy. Moreover, Gundy alleges that American Moving is a large business and thus is ineligible for award; presumably, therefore, this procurement is a small business set-aside.

We dismiss the protest because none of the issues raised are considered by our Office under our bid protest function. Questions concerning a finding that a firm is responsible are not considered by our Office unless evidence of fraud is presented or the IFB contains definitive criteria of responsibility which it is alleged were not applied. Bob McDorman Chevrolet, Inc., and Jack Roach Cadillac, B-200846, B-200847, B-200847.2, B-200848, March 13, 1981, 81-1 CPD 194, aff'd. B-200847.3, August 28, 1981, 81-2 CPD 183. Neither circumstance has been shown to be applicable here.

To the extent Gundy's protest concerns the contracting officer's finding that it was not a responsible prospective contractor, we point out that this is a matter to be considered by the Small Business Administration (SBA), which has conclusive statutory authority with respect to such matters under its

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B-210350

Certificate of Competency procedure. Data Transformation Corporation, B-208089, August 27, 1982, 82-2 CPD 182. Likewise, American Moving's small business size status also raises an issue over which the SBA enjoys exclusive statutory jurisdiction. Alliance Properties, Inc., B-205253, November 10, 1981, 81-2 CPD 398.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel